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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,446	06/11/2001	Stephen T. Mack	ES - 1003A	3556

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Robert S. Kelly
19191 Portos Place
Saratoga, CA 95070

EXAMINER

ARSHAD, UMAR

ART UNIT	PAPER NUMBER
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2174

3

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,446

Applicant(s)

MACK ET AL.

Examiner

Umar Arshad

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 9 and 10, the phrase "about" in line 1 renders the claim indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 – 8, 11, 13 – 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks et al., U.S. Patent No. 6,167,382 in view of Takakura et al., U.S. Patent No. 5,752,053.

As per claim 1, Sparks et al. ("Sparks") teaches an interactive system for permitting a user with a computer and display screen to design and generate, through a global computer information network connection with a server, a web page composite image including shapes, graphical images, and text, said system comprising:

means for permitting the user to create an outline of an image of a predetermined two dimensional shape and size on the display screen (see Sparks, column 5, lines 22 – 27; the examiner interprets a shell as a predetermined two dimensional shape and size on the display screen),

files for producing a plurality of graphical images and shapes stored at a server software storage remote from the user (see Sparks column 2, lines 50 – 59 and column 3, lines 13 – 18),

means for permitting the user through a browser to selectively download said files for producing graphical images and shapes and to incorporate selected graphical images into said outline on the display screen (see Sparks, column 2, lines 50 – 59; it is inherent that the client uses a browser to select low resolution templates and images),

means for permitting the user to add lines of text into said outline (see Sparks, column 5, lines 27 – 29),

Sparks does not teach means for permitting the user to upload graphical images stored in the user's computer into said outline, and means for permitting the user to utilize a position indicating device with said user's computer to vary the sizes and relative positions of the text, shapes and graphical images within the outline of the computer screen, whereby a complete composite image within the outline can be created by the user and modified by the user with the entire image being continuously seen on the user's display screen during its creation.

Takakura et al. ("Takakura") teaches means for permitting the user to upload graphical images stored in the user's computer into said outline (see Takakura, column 4, lines 63 – 65 and column 19, lines 58 – 61; it is inherent that file addresses of the forms link to file addresses on the user's computer because it is taught that the document data is stored in the hard disk unit of the user's computer), and means for permitting the user to utilize a position indicating device with said user's computer to vary the sizes and relative positions of the text, shapes and graphical images within the outline of the computer screen (see Takakura, column 4, lines 40 – 44 and column 22, lines 4 – 11), whereby a complete composite image within the outline can be created by the user and modified by the user with the entire image being continuously seen on the user's display screen during its creation (see Takakura, figure 3E, items 20 – 22 and column 6, lines 3 – 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system of Takakura with the system of Sparks in order to allow forms to be input and edited to arbitrary positions on a document while observing the state of the print bound document.

As per claim 3, which is dependent on claim 1, Sparks and Takakura teach the system of claim 1 (see rejection above). Sparks further teaches means at said server storage for providing a high resolution output of said complete composite image created by said user (see Sparks, column 3, lines 19 – 47).

As per claim 4, which is dependent on claim 1, Sparks and Takakura teach the system of claim 1 (see rejection above). Sparks further teaches a system according to claim 1 wherein said graphical Images downloadable from said server are in the form of a plurality of different categories of similar types of images with a number of different selections being provided in each category, and means for permitting the user to select desired images from one or more categories (see Sparks, column 5, lines 65 – 66, and column 6, lines 4 – 7).

As per claim 5, which is dependent on claim 4, Sparks and Takakura teach the system of claim 4 (see rejection above). Sparks further teaches a system according to claim 4 wherein one of said categories include various types of frames and borders for said composite image (see Sparks, column 7, lines 42 – 43; the examiner interprets templates as a category of content object, and it is inherent that they define the types of frames and borders for said composite image).

As per claim 6, which is dependent on claim 1, Sparks and Takakura teach the

system of claim 1 (see rejection above). Sparks further teaches means at said server for downloading a low resolution image of said graphical image stored at the server while retaining a high resolution image at the server for a subsequent high quality printing of the complete composite image by the server (see Sparks, column 2, lines 50 – 64 and column 3, lines 13 – 18 and 43 – 47).

As per claim 7, which is dependent on claim 1, Sparks and Takakura teach the system of claim 1 (see rejection above). Sparks further teaches a system according to claim 1 wherein said uploaded graphical images include digital photographic images (see Sparks, figure 32; the examiner interprets the images of sandwiches displayed in the figure as photographic images).

As per claim 8, Sparks teaches an interactive system for permitting a user with a computer and display screen to design and generate, through a global communication network connection with a server, a web page composite image suitable for high quality printing, said image including shapes, graphical images, and text, said system comprising

means for permitting the user to create an outline of an image of a predetermined two dimensional shape and size on the display screen (see Sparks, column 5, lines 22 – 27; the examiner interprets a shell as a predetermined two dimensional shape and size on the display screen),

files for producing a plurality of high resolution graphical images and shapes stored at a server software storage area remote from the user (see Sparks, column 3, lines 19 – 20),

means for permitting the user to through a browser to selectively download said files for producing graphical images in low resolution and to incorporate selected graphical images into said outline on the display screen (see Sparks, column 2, lines 50 – 59 and column 3, lines 13 – 18; it is inherent that the client uses a browser to select low resolution templates and images),

means for permitting said user to add lines of text into said outline (see Sparks, column 5, lines 27 – 29),

and means at said server for providing a high resolution image of said complete composite image suitable for high quality printing (see Sparks, column 3, lines 19 – 20).

Sparks does not teach means for permitting the user to upload graphical images stored in the user's computer into said outline, and means for permitting the user to vary the sizes and relative positions of the text and images within the outline on the computer screen to create a complete composite image within the outline to the user's specifications.

Takakura teaches means for permitting the user to upload graphical images stored in the user's computer into said outline (see Takakura, column 4, lines 63 – 65 and column 19, lines 58 – 61; it is inherent that file addresses of the forms link to file addresses on the user's computer because it is taught that the document data is stored in the hard disk unit of the user's computer), and means for permitting the user to vary

the sizes and relative positions of the text and images within the outline on the computer screen to create a complete composite image within the outline to the user's specifications (see Takakura, column 22, lines 4 – 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system of Takakura with the system of Sparks in order to allow forms to be input and edited to arbitrary positions on a document while observing the state of the print bound document.

As per claim 11, which is dependent on claim 8, Sparks and Takakura teach the system of claim 8 (see rejection above). Sparks further teaches a system according to claim 8 wherein said uploaded graphical images include digital photographic images (see Sparks, figure 32; the examiner interprets the images of sandwiches displayed in the figure as photographic images).

As per claim 13, Sparks teaches a method for creating on a computer display screen a composite image from diverse sources comprising:

creating an outline of a predetermined two-dimensional shape and size on the display screen (see Sparks, column 5, lines 22 – 27; the examiner interprets a shell as a predetermined two dimensional shape and size on the display screen),

downloading one or more graphical images and shapes from a server source of such graphical images and shapes by means of a browser and incorporating the

selected graphical images and shapes into said outline on the display screen (see Sparks, column 2, lines 50 – 59 and column 3, lines 13 – 18; it is inherent that the client uses a browser to select low resolution templates and images),

adding text into said outline (see Sparks, column 5, lines 27 – 29),

uploading a graphical image into the outline on the display screen (see Sparks, column 2, lines 59 – 64; it is inherent that the graphical image selected by the user is uploaded and displayed on the display screen),

and sending the composite image including uploaded and downloaded images, shapes and text to the server through the browser so that said server can produce a high resolution output of said composite image for high quality printing on an end product (see Sparks, column 3, lines 19 – 20).

Sparks does not teach repositioning the text as desired and resizing and repositioning the uploaded and downloaded graphical images and shapes in real time on the display screen as desired. Takakura teaches repositioning the text as desired and resizing and repositioning the uploaded and downloaded graphical images and shapes in real time on the display screen as desired (see Takakura, column 22, lines 4 – 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system of Takakura with the system of Sparks in order to allow forms to be input and edited to arbitrary positions on a document while observing the state of the print bound document.

As per claim 14, which is dependent on claim 13, Sparks and Takakura teach the

method of claim 13 (see rejection above). Sparks does not teach wherein the steps of resizing and repositioning said text, shapes and graphical images is accomplished with a position indicating device. Takakura teaches a method according to claim 13 wherein the steps of resizing and repositioning said text, shapes and graphical images is accomplished with a position indicating device (see Takakura, column 4, lines 40 – 44). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Takakura with the method of Sparks in order to allow for easier usability of the software.

As per claim 15, which is dependent on claim 13, Takakura and Sparks teach the method of claim 13 (see rejection above). Sparks further teaches a method according to claim 13 wherein the uploaded graphical image is a digital photographic image (see Sparks, figure 32; the examiner interprets the images of sandwiches displayed in the figure as photographic images).

As per claim 16, Sparks teaches a method for permitting a user with a computer and display screen to create on-line through his browser and a global communication network a composite image from diverse sources, said composite image being suitable for high quality printing output, said method comprising:

providing a collection of high resolution graphical images and shapes and permitting said user to download through his browser copies of said high resolution

graphical images and shapes (see Sparks, column 2, lines 50 – 64; it is inherent that the low-resolution images are linked to corresponding high-resolution images and therefore the collection of low resolution images reflects a collection of high resolution images),

providing a downloadable program through a browser to said user to permit the user to create said composite image in a predetermined size and shape canvas on the user's display screen, said program including means to permit the user to add text and user uploaded images to the canvas (see Sparks, column 9, lines 43 – 53, column 9, line 64 – column 10, line 5, and column 10, lines 54 – 60),

and saving the completed composite image from the user in its component parts of text, graphical images and shapes so that the composite image can be recreated as a high resolution image suitable for high quality printing (see Sparks, column 3, lines 4 – 7 and lines 19 - 25).

Sparks does not teach to resize and reposition all of said text, shapes and graphical images within the canvas on the display screen in real time. Takakura teaches to resize and reposition all of text, shapes and graphical images within the canvas on the display screen in real time (see Takakura, figure 2C, ref. num. 19 and column 3, lines 6 – 11 and 16 – 18). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Takakura with the method of Sparks in order to allow forms to be input and edited to arbitrary positions on a document while observing the state of the print bound document.

As per claim 18, which is dependent on claim 16, Sparks and Takakura teach the method of claim 16 (see rejection above). Sparks does not teach a method according to claim 16 wherein said program permits the user to use a position indicating device to resize and reposition the text, shapes and graphical images on the canvas. Takakura teaches wherein said program permits the user to use a position indicating device to resize and reposition the text, shapes and graphical images on the canvas (see Takakura, column 4, lines 40 – 44). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Takakura with the method of Sparks in order to allow for easier usability of the software.

As per claim 19, which is dependent on claim 16, Sparks and Takakura teach the method of claim 16 (see rejection above). Sparks further teaches a method according to claim 16 wherein said copies of the graphical images downloaded to the user are at a low resolution (see Sparks, column 3, lines 13 – 18).

Claims 2, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks et al., U.S. Patent No. 6,167,382 in view of Takakura et al., U.S. Patent No. 5,752,053 as applied to claims 1, 8, and 13 above, and further in view of Blumberg et al., U.S. Patent Application Publication 2003/0140325.

As per claim 2, which is dependent on claim 1, Sparks and Takakura teach the

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system of claim 1 (see rejection above). Sparks and Takakura teach a system according to claim 1 including means for storing said text and shapes as modified by said user and said uploaded and selected graphical images at said server storage (see rejection above). Sparks and Takakura do not teach means for storing said text and shapes as modified by said user and said uploaded and selected graphical images in XML code. Blumberg et al. ("Blumberg") teaches storing graphical components in XML code (see Blumberg, paragraph 0180, lines 6 – 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system of Blumberg with the system of Sparks and Takakura in order to allow for a standardized method of storing and delivering graphical objects through the internet.

As per claims 12 and 17, they are of similar scope to claim 2 and are rejected under the same rationale (see rejection above).

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks et al., U.S. Patent No. 6,167,382 in view of Takakura et al., U.S. Patent No. 5,752,053 as applied to claim 8 above, and further in view of Itoh et al., U.S. Patent No. 5,617,115.

As per claim 9, which is dependent on claim 8, Sparks and Takakura teach the system of claim 8 (see rejection above). Sparks and Takakura do not teach a system

according to claim 8 wherein said high resolution image is 300 dpi or better. Itoh et al. ("Itoh") discloses wherein a high resolution image is 400 dpi (see Itoh, column 1, lines 26 – 29). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system of Itoh with the system of Sparks and Takakura in order to allow for a high quality print of the image to be created.

As per claim 10, which is dependent on claim 9, Sparks, Takakura and Itoh teach the system of claim 8 (see rejection above). Sparks and Takakura do not teach a system according to claim 9 wherein said low resolution image is less than or equal to 100 dpi. Itoh teaches wherein a low resolution image is equal to 100 dpi (see Itoh, column 1, line 65 – column 2, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system of Itoh with the system of Sparks and Takakura in order to allow for the image to be displayed on a small screen.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fitzsimons et al., U.S. Patent Application Publication No. US 2003/0034991 teaches a method of constructing a composite image.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Arshad whose telephone number is (703) 305-0329. The examiner can normally be reached on Monday - Friday, 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UA

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